

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION

GARRETT KINARD,)	
)	
Petitioner,)	
)	
v.)	Case No. CV413-209
)	
WARDEN CHRIS HILL,)	
)	
Respondent.)	

REPORT AND RECOMMENDATION

Garrett Kinard is currently confined in the “Bulloch County Prison,” doc. 1 at 1, which the Court construes to mean the Bulloch County Correctional Institute, which is in this Court’s Statesboro Division. He has filed a 28 U.S.C. § 2254 petition attacking a Muscogee County conviction, and that county lies within Georgia’s Middle District. *Id.* In such situations, jurisdiction exists concurrently in both the district of confinement and the district in which the conviction under attack was entered. *Wright v. Indiana*, 263 F. App’x 794, 795 (11th Cir. 2008). However, “[t]he most *convenient* forum will often be the district in the state whose conviction is being attacked, and a transfer of the case

to that district is permissible, but not required.” *Id.* (citing *Byrd v. Martin*, 754 F.2d 963, 965 (11th Cir. 1985) (emphasis added)).

Having considered petitioner’s filing, the Court concludes that the Middle District would be the better forum for resolving this matter. Hence, this case should be transferred to the Middle District of Georgia for all further proceedings. *See* 28 U.S.C. § 1404(a) (permitting a district court to transfer any civil action to another district or division where it may have been brought for the convenience of parties and witnesses and in the interest of justice).

SO REPORTED AND RECOMMENDED this 17th day of September, 2013.


UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF GEORGIA